

DRAFT OF PROPOSED PROVISION PERTAINING TO AN
EXISTING APPROPRIATION OF THE DEPARTMENT OF
THE INTERIOR FOR FISCAL YEAR 1939

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

DRAFT OF A PROPOSED PROVISION PERTAINING TO AN EXISTING
APPROPRIATION OF THE DEPARTMENT OF THE INTERIOR FOR
THE FISCAL YEAR 1939

FEBRUARY 7, 1939.—Referred to the Committee on Appropriations and ordered
to be printed

THE WHITE HOUSE,
Washington, February 6, 1939.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress draft of a proposed provision pertaining to an existing appropriation of the Department of the Interior for the fiscal year 1939.

The details of the proposed provision, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Acting Director of the Bureau of the Budget, transmitted herewith, with whose comments and observations thereon I concur.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

BUREAU OF THE BUDGET,
Washington, February 4, 1939.

The PRESIDENT,
The White House.

SIR: I have the honor to submit herewith for your consideration draft of proposed provision pertaining to an existing appropriation for the Department of the Interior for the fiscal year 1939, as follows:

NATIONAL BITUMINOUS COAL COMMISSION

The paragraph in the Second Deficiency Appropriation Act, fiscal year 1938, under the caption "National Bituminous Coal Commission" is hereby amended by striking out the following proviso: "*Provided, That expenditures during the fiscal year 1939 under this head and under the head 'Salaries and expenses, Office of the Consumers' Counsel, National Bituminous Coal Commission,' shall not exceed an amount equal to the aggregate receipts covered into the Treasury under the provisions of section 3 of the Bituminous Coal Act of 1937*" (52 Stat. 294-295, 1128).

In the Interior Department Appropriation Act, 1939, an appropriation of \$3,000,000 was provided for the National Bituminous Coal Commission and \$270,000 for the Consumer's Counsel, or a total of \$3,270,000. In the Second Deficiency Appropriation Act, fiscal year 1938, an additional \$250,000 was included for the Commission, making total appropriations for the fiscal year 1939 for the Commission and for the Counsel of \$3,520,000. The increase was provided in order to strengthen the enforcement staff of the Commission and enable it, with the assistance of the Bureau of Internal Revenue, to speed up the collection of taxes. This supplemental appropriation contained the provision which limited the expenditures of the Commission and the Consumers' Counsel to the aggregate receipts covered into the Treasury under the provisions of section 3 of the Bituminous Coal Act of 1937.

At the time the provision was made limiting expenditures for the Commission and the Consumers' Counsel to receipts covered into the Treasury, it was estimated that tax receipts for the fiscal year 1939 would be \$3,750,000 or \$230,000 in excess of the amounts appropriated. It now appears that while total assessments for the fiscal year 1939 will be approximately the same as the amount originally estimated, actual tax receipts may not exceed \$3,320,000 or \$200,000 less than the appropriations. It is apparent that if the limitation remains in effect the Commission and the Consumers' Counsel will have to take immediate steps to reduce expenses and that a large part of the reduction would be through furloughing or separating employees whose services are in the opinion of the Commission necessary if it is to function efficiently. As the present difficulty appears to be due in part, at least, to a lag in tax collections it is not believed that the Commission should be penalized therefor, particularly if such a requirement would in any way interfere with its normal operations. It appears therefore that the language which limits expenditures to receipts covered into the Treasury should be removed.

The foregoing draft of a proposed provision is required to meet a contingency which has arisen since the transmission of the Budget for the fiscal year 1939, and approval is recommended.

Very respectfully,

D. W. BELL,
Acting Director of the Bureau of the Budget.